that the said Theresa E. McKenzie, life tenant, departed this life on or about the 24th day of December, 1942, and that since said will makes no disposition of the remainder interest in and to the real estate of the said James E. McKenzie, title thereto descended by operation of law upon the death of the said decedent to the following persons as his only heirs at law, to-wit:

- A. A son, George McKenzie, whose wife's name is Sadie A. McKenzie, residing at 35 Hamilton Avenue, Frederick, Maryland.
- B. A son, William McKenzie, whose wife's name is Alice McKenzie, residing at Frederick, Maryland, R.F.D.4.
- C. A son, John McKenzie, whose wife's name is Rosie McKenzie, residing at Frederick, Maryland, R.F.D.5.
- D. A son, Daniel McKenzie, whose wife's name is Orpha McKenzie, residing at Frederick, Maryland, R.F.D.5.
- E. A son, James E. McKenzie, Jr., who died intestate on or about the 6th day of September, 1937, and was survived by the following persons as his only heirs-at-law:
- (1) A wife, Clara McKenzie, residing at 238 East Church Street, Frederick, Mary-land.
- (2) A daughter, Theresa McKenzie Hahn, whose husband's name is William Hahn, residing at 321 South Augusta Avenue, Baltimore, Maryland.
- (3) A daughter, Bertha I. McKenzie, unmarried, residing at $102\frac{1}{2}$ East Patrick Street, Frederick, Maryland.
- (4) A son, Harry McKenzie, unmarried, residing at 238 East Church Street, Frederick, Maryland.
- (5) A son, James McKenzie, unmarried, now stationed at Norfolk Naval Hospital at Portsmouth, Virginia.
- (6) A daughter, Helen McKenzie Kreh, residing at 238 East Church Street, whose husband's name is Floyd M. Kreh, now stationed at Camp Gordon, Georgia.
- F. A daughter, Mary McKenzie Burrier, who died intestate on or about the 20th day of July, 1942, leaving surviving as her only heir-at-law:
 - (1) A son, Ray Burrier, unmarried, residing at Frederick, Maryland, R. F. D. 3.
- G. A daughter, Clara McKenzie Harne, who died intestate on or about the 16th day of July, 1937, leaving surviving as her only heirs-at-law the following persons:
 - (1) A husband, Grover Harne,
 - (2) A daughter, Ava Harne, unmarried,
 - (3) A son, Kenneth Harne, unmarried,
 - (4) A daughter, Lorene Harne, infant, unmarried,
 - (5) A son, Leo Harne, unmarried,
- all of whom reside at Knoxville, Frederick County, Maryland.
- H. A son, Joseph S. McKenzie, whose wife's name is Amy McKenzie, residing at Frederick, Maryland, R. F. D. 3.
 - I. A son, Charles A. McKenzie, unmarried, residing at Frederick, Maryland, R. F. D. 3.
- 3. That all of the aforesaid heirs-at-law of James E. McKenzie, deceased, are adults with the exception as before indicated.
- 4. That the real estate hereinbefore described is constantly depreciating in value and cannot be divided without loss or injury to the parties interested therein, and that it would be to the best interest and advantage of all the said parties in interest that the property be sold under a decree of your Honorable Court, and that the money accruing from said sale be divided among said parties in interest according to their respective rights.

TO THE END, THEREFORE:

Non-transformation of the Contract of the Cont